

Application No. 09/815,646
Art Unit 3626

Remarks

Claims 8, 10 -15 and 19-42 are pending in the application. Claims 8 and 19, 20 and 22 are amended. Claims 23-42 are new. Claims 1-7, 9, and 16-18 were previously canceled. Claims 10 – 15 are withdrawn from consideration due to election/restriction.

Allowable Subject Matter

Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 8 and 19-22. For example, the Examiner indicated in the Office Action dated October 17, 2007, page 3, section 5, that the prior art does not teach or suggest as least, “generating an overall confidence parameter for a clinical conclusion wherein the overall confidence parameter is a ratio of a first product of the first impact parameter and the first confidence parameter to a second product of the second impact parameter and the second confidence parameter, wherein the second product is a best-case scenario of a clinical conclusion.”

As discussed below, Applicant has addressed the Examiner’s comments and claims 8 and 19-22 are in condition for allowance. To expedite prosecution, it is respectfully requested that the Examiner contact the Applicant with any further questions so that the Application can be placed in condition for allowance.

Specification Amendments

The specification is amended herein merely to correct typographical errors and address consistency between the numbering the figures and the specification.

Application No. 09/815,646
Art Unit 3626

Drawing Amendments

Replacement sheets are submitted herewith for Figures 2, 5b and 9b. The changes made to these drawings are merely to correct numbering and make it more consistent with the numbering in the Specification. The amendments to the drawings are as follows.

Figure 2: front end subsystem was numbered as "219". Per this amendment, the front end subsystem is numbered as "218".

Figure 5b: first name was numbered as "529". Per this amendment, the first name is numbered as "525".

Figure 9b: The essential element at the bottom left of the figure was labeled "109(N)". Per this amendment, this essential element is labeled "107(N)". Also, since the equation on the right was unclear in the application publication, it was modified to hopefully make it clear when the patent publishes. No changes were made to the equation other than the format.

Claim Rejections 35 USC §112

Claims 8 and 19-22 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this requirement.

Claims 8 and 19-22 have been amended merely as to form to address the Examiner's concerns with respect to this rejection. The claims are not amended to avoid any prior art. Therefore, Applicant respectfully requests removal of this rejection.

Application No. 09/815,646
Art Unit 3626

New Claims

Claims 23-43 are newly added. Each of claims 23- 43 contains allowable subject matter and is supported by the Specification.

New Claims 23-28

As indicated by the Examiner, the prior art does not teach or suggest all the features of claim 23. For example, the prior art fails to teach or suggest at least the feature of “generating the overall level of confidence of the conclusion as a ratio of the essential element area to the best-case scenario area,” as recited by claim 23. Claim 23 is supported in the Specification at least on pages 15-17 and Figures 8a and 8b. Therefore, claim 23 contains allowable subject matter.

Claims 24-28 depend from claim 23. The prior art does not teach or suggest all the features of independent claim 23. Therefore, dependent claims 24-28 are also allowable for at least the same reasons claim 23.

New Claims 29-33

Claims 29-32 contain allowable subject matter and are supported in the Specification at least on pages 15-18 and Figures 9a and 9b. The prior art does not teach or suggest all the features of claim 29. In particular, none of the references such as Lee et al. (5828776) and Lapointe et al. (2003:0105731) that were previously used as a basis for rejections teach or suggest all the features of claim 29. For example, Lee et al. and Lapointe et al. make conclusions by comparing test data to thresholds. Neither Lee et al. nor Lapointe et al. teach or suggest either, “f. generating an essential element area by multiplying the impact parameter by the confidence parameter;” or “g. generating the overall level of confidence of

Application No. 09/815,646
Art Unit 3626

the conclusion as a function of the essential element area,” as recited by claim 29. Therefore, claim 29 contains allowable subject matter.

Claims 30-33 depend from claim 29 and are allowable for at least the same reasons as claim 29.

New Claims 34-36

As per the Examiner's suggestion in page 2, lines 21 and 22. Independent claim 34 has been added and recites the formula on page 18, line 27 of the Specification. It is also supported in the Specification at least on pages 15-18 and figures 9a and 9b. As discussed above, the prior art merely teaches or suggests a comparison of test result to previously determined threshold values. Lee et al. and Lapointe et al. do not teach suggest using any type of formulas or functions incorporating the use of both a confidence parameter and an impact parameter derived from testing data. Therefore, the prior art fails to teach or suggest all the features of claim 34 such as

determining the overall level of confidence of the conclusion, M,
wherein

$$M = \sum_{j=1}^N f(\mu_j, \nu_j).$$

Claims 35 and 36 depend from claim 34, and are allowable for at least the same reasons as claim 34.

New Claims 37-40

New claim 37 contains allowable subject matter and is supported in the Specification at least on page 15, lines 11-16; pages 2 and 3 and Figures 3 and 6a. For the reasons recited above, the prior art fails to teach or suggest all the features of claim 42. For example, the prior art fails to teach or suggest, at least “a core engine adapted to calculate the overall level of confidence of the conclusion and comprising a best-case analysis unit performing a best-

Application No. 09/815,646
Art Unit 3626

case analysis for the conclusion and generating a best-case area; and a conclusion analysis unit calculating the overall level of confidence using as a ratio of the product of the impact parameter and confidence parameter to the best-case area,” as recited by claim 37.

Claims 38-40 depend from claim 37 and are allowable for at least the same reasons as claim 37.

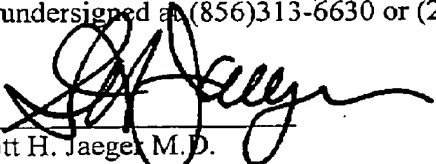
New Claims 41-42

Independent claim 8 contains allowable subject matter and, as discussed above, is in condition for allowance. New claims 41 and 42 depend from claim 8. Since the prior art fails to teach or suggest the features of independent claim 8, the prior art fails to teach or suggest the features of dependent claims 41 and 42. Additionally, each of claims 41 and 42 is supported in the Application by at least Figure 8a and 8b and Specification pages 17, lines 24-32.

Conclusion

In view of the Examiner’s previous indication of allowable subject matter and above discussions, it is respectfully submitted that each of claims 8 and 19 – 42 contains allowable subject matter and are in condition for allowance. A notice of allowance to this effect is requested. In the alternative, continued prosecution and a teleconference is requested.

Thank you very much for considering the above comments. Any assistance that you can provide in the prosecution of my patent application is greatly appreciated. If you have any questions or need any further assistance or clarification, please do not hesitate to contact the undersigned at (856)313-6630 or (215)629-1045.



Scott H. Jaeger, M.D.
Applicant/Inventor

Application No. 09/815,646
Art Unit 3626

Appendix A: Replacement Drawings